IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Original Jurisdiction

Dated: Nainital: the 21st day of December, 2005
Crl. Bail Application No. 1072 of 2005

Order on the Bail Application:

CRIMINAL SIDE

Bittu S/o Prakash,
R/o Village Nirala, P.S. Nakud,
District Saharanpur (U.P.) …….. Applicant

Versus

State of Uttaranchal ……... Opposite Party

Arising out of Crime No. 69 of 2005
Under Sections: 302 of the I.P.C.
Police Station: Ranipur
District: Haridwar.

Hon'ble P.C. Pant, J.

This bail application is moved by Bittu S/o Prakash, who is in jail in connection with crime No. 69 of 2005 (S.T. No. 293 of 2005) under Section 302 of the Indian Penal Code registered at P.S. Ranipur, District Haridwar.

Heard learned counsel for the applicant and learned A.G.A. for the State.

Learned counsel for the applicant argued that there is delay in lodging the F.I.R. The F.I.R. is based on hearsay. There is no eye-witness alleged to the incident. Also, the motive of the crime is not clear. Apart from this, from Annexure S.A. 1 to the supplementary affidavit, it appears that when the dead body of the deceased was found, it was hanging from a tree with 'pink' coloured chunri' around the neck. Applicant is husband of the deceased.

Without expressing any opinion as to the final merits of the case, in the above facts and circumstances in the opinion of this Court, the applicant deserves bail. Let the applicant Bittu S/o Prakash be released on bail on his executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of the Chief Judicial Magistrate, Haridwar.

(P.C. Pant, J.)

Dt. 21.12.2005
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